

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

SERIGNE BABACAR SAMBE,  
A# 76 001 785,  
*Petitioner,*

v.

ALBERTO GONZALES, UNITED  
STATES ATTORNEY GENERAL, *et al.*,  
*Respondents.*

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CIVIL ACTION H-06-3413

**ORDER**

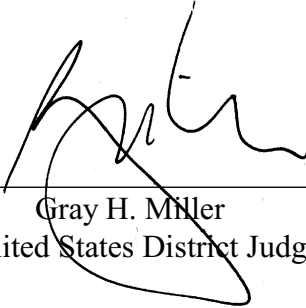
Before the court is the Emergency Motion for Stay of Removal filed by the petitioner, Serigne Babacar Sambe. (Dkt. 1).

The REAL ID Act of 2005, H.R. 1268, 109<sup>th</sup> Cong. (2005), Pub. L. No. 109-13, Div. B, 119 Stat. 231, was enacted on May 11, 2005. Section 106(a)(1)(B) of the REAL ID Act created a new provision, Section 242(a)(5) within the Immigration and Nationality Act, 8 U.S.C. § 1252(a)(5), which vests exclusive authority to review orders of removal in the courts of appeal.

The REAL ID Act, § 106(a)(1)(B)(5), divests this court of jurisdiction to grant the relief sought by the petitioner. Because the petitioner's motion seeks judicial review of a final order of removal, this court has no jurisdiction to review the merits of the petition or to stay the order of removal. Because this proceeding was not pending on the date of enactment of the REAL ID Act, the court may not transfer this case to the Court of Appeals. *See* REAL ID Act, § 106(c).

Accordingly, the petitioner's motion is DISMISSED for lack of subject matter jurisdiction.

Signed at Houston, Texas on October 30, 2006.



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Gray H. Miller  
United States District Judge